

**Appln No. 10/799,143**  
**Amdt date July 24, 2006**  
**Reply to Office action of February 23, 2006**

### **REMARKS/ARGUMENTS**

This amendment is submitted in response to the Office action of February 23, 2006. Claims 1, 2, 4, 5, 7, 9, 10, 11, 14, 15 and 21 have been amended. Claims 16-20 have been cancelled without prejudice. Claims 9-15 and 28 are withdrawn but are entitled to consideration upon allowance of generic claim 1. New claims 22-28 have been added. Accordingly, claims 1-15 and 21-28 are presently in the application.

### **Acknowledgment of Priority**

A claim for foreign priority was made at the time of filing the application. On May 12, 2005, Applicant submitted a translation of the priority document and verification of translation. Applicant respectfully requests that the claim for foreign priority be acknowledged in the next Office action.

### **Summary of Examiner Interview**

On May 22, 2006, a personal interview was conducted with Examiner John Kim and Supervisory Patent Examiner Eduardo Robert. During the interview, the undersigned submitted a proposed amendment to claim 1. The claim as proposed recited a rod with a diameter (D), defined the distance (A) from the exterior end surface to the rod surface, defined the distance between the exterior end surface and the end of the first thread being equal to or less than the distance (A), and further recited that the first thread extends to the undercut. The Examiner stated that the amendment appears to overcome the current rejection based on Harms et al. The undersigned wishes to thank the Examiner Kim and Supervisory Patent Examiner Robert for the time and attention devoted to the interview.

### **Election Requirement**

On Pages 2-5 of the Office action, the Examiner requested that Applicant affirms the provisional election of claims 1-9 and 21, made during a telephone conversation with Mark Garscia on February 6, 2006. Applicant hereby affirms the provisional election.

**Appln No. 10/799,143**  
**Amdt date July 24, 2006**  
**Reply to Office action of February 23, 2006**

**Objections to the Specification**

On Page 6 of the Office action, the abstract of the disclosure is objected to because of the presence of typographical errors. Amendments correcting the typographical errors have been made to the abstract, and a replacement abstract is attached herewith.

Also on Page 6 of the Office action, the disclosure was objected to because of typographical errors. Due to the number of amendments, a substitute specification pursuant to 37 CFR § 1.125 and MPEP § 608.01 (q) is submitted herewith to facilitate the prosecution of this application. The substitute specification is accompanied by a marked-up copy showing the changes between the original application, as filed, and the substitute specification. The substitute specification does not contain any new matter and includes the same changes as are indicated in the marked up copy. Applicant respectfully requests that the substitute specification be entered in this case.

A replacement Abstract on a separate sheet is enclosed herewith.

Applicant respectfully submits that the objections to the specification have been overcome, and requests that the objections be withdrawn.

**Objections to the Claims**

On Page 6 of the Office action, claims 1, 4, and 7 were objected to because of various informalities. Applicants have amended these claims to correct the informalities, in line with Examiner's suggestions. Minor amendments have also been made to claims 9-12, 14 and 15 to correct typographical errors therein. Applicant respectfully requests that the amendments be entered. Applicant therefore respectfully submits that the objections to the claims have been overcome, and requests that the objections be withdrawn.

**Rejections Under 35 U.S.C. § 112**

On Page 7 of the Office action, claims 1, 2, 5, and 7 were rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse the rejection.

Claim 1 recites "two legs." The Examiner states that this term lacks antecedent basis. Applicant respectfully points out that the recitation of "two legs" is definite as to what Applicant

**Appln No. 10/799,143**  
**Amdt date July 24, 2006**  
**Reply to Office action of February 23, 2006**

is claiming, because the term clearly refers to two legs forming part of a receiving part. Applicant therefore respectfully requests that the rejection to claim 1 be withdrawn.

Claim 2 has been amended to recite "a depth of the first thread." Claim 5 has been rewritten to avoid the recitation of the term "the anchoring element" in the body of the claim. Claim 7 has been amended to recite "a connection." Applicant therefore respectfully requests that the rejections to claims 2, 5, and 7 be withdrawn as having been overcome.

### **Rejections Under 35 U.S.C. § 103**

On Pages 7-9 of the Office action, claims 1-5, 7, 8, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,873,878 to Harms et al. and claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harms et al. in view of U.S. Patent No. 4,041,939 to Hall. Applicant respectfully traverses the rejection.

Claim 1 recites "the first thread extending to the undercut." Harms et al, discloses crimp bores X (as identified by the Examiner in the Office action) extending from an outer surface of a receiving part (1). Neither the internal thread (8) nor the external thread (9) of Harms et al. extends to the crimp bores X. As a result, the cited reference does not teach or suggest the invention of claim 1. For this reason, Applicant respectfully submits that claim 1 is allowable over Harms et al.

Moreover, claim 1, as amended, recites "the first thread extending from the exterior end surface of the receiving part to a second distance that is smaller than or equal to the predetermined distance (A)." Harms et al. does not disclose the above limitation. Rather, Harms et al. discloses an internal thread (8) extending a distance greater than a distance between the exterior end surface and a closest portion of the outer surface of the rod: "Both the internal thread 8 and the external thread 9 extend as far downwards, i.e. in direction towards the base 5, that the projection onto the center axis is spaced from the base 5 by a distance which is smaller than the diameter of the rod 10 to be received." Col. 2, Lines 45-50. Accordingly, as the rod (10) of Harms et al. rests at the base (5), the interior thread (8) extends a distance from the exterior end

**Appln No. 10/799,143**  
**Amdt date July 24, 2006**  
**Reply to Office action of February 23, 2006**

surface that is greater than the distance between the exterior end surface and the closest portion of the rod (10).

The Examiner alleges that a modification of Harms et al. to include the above limitation would have been obvious to one of ordinary skill in the art, since such a modification would have involved a mere change in the size of a component. Applicant respectfully disagrees with Examiner. Modification of the size of any particular component in order to meet the limitation of claim 1 would directly contradict the disclosure cited above, and would not achieve at least one of the advantages discussed in the specification of the present invention: "Consequently, the entire thread 8 can be shifted downwards in the direction of base 4 by the length of the weak runout thread teeth present in conventional anchoring elements with thread runout." Page 5, Lines 16-18.

In short, independent claim 1 defines a non-obvious invention over Harms et al. As such, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1. Claims 2-8 are dependent from claim 1 and therefore include all the limitations of claim 1 and additional limitations therein. Accordingly, claims 2-8 are also allowable over the cited reference, as being dependent from allowable independent claim 1, and for the additional limitations they includes therein. As such, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 2-8.

Claim 21, as amended, recites "the first thread extending to the undercut". This recitation is identical to that of claim 1, discussed above. Claim 21 also recites " the first thread extending from a location adjacent the exterior end surface of the receiving part to a location that is a second distance from the exterior end surface that is smaller than or equal to the predetermined distance (A)." This recitation is similar to that of claim 1. For the same reasons as discussed with regard to claim 1, claim 21 also defines a non-obvious over Harms et al.


Claims 22-28 depend from claim 21. Because claims 22-28 depend from claim 21 and because they contain additional limitations further distinguishing these claims from the cited prior art when considered as a whole, these claims are also believed to be patentable.

**Appln No. 10/799,143**  
**Amdt date July 24, 2006**  
**Reply to Office action of February 23, 2006**

**Conclusion**

Based on the arguments asserted above, it is submitted that the present application is in condition for allowance. Applicant hereby respectfully requests reconsideration and allowance of the claims 1-8 and 21.

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

By   
Mark Garscia  
Reg. No. 31,953  
626/795-9900

MEG/mac

CKS PAS682898.1-\*07/24/06 4:26 PM